

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

BRANDON DEUTSCH, individually and on  
behalf of all similarly situated individuals,

Plaintiff,

v.

MY PILLOW, INC.,

Defendant.

Case No. 20-CV-00318 (SRN-ECW)

Magistrate Judge Elizabeth Cowan  
Wright

**PLAINTIFF'S MOTION TO AMEND  
THE RULE 23 CLASS DEFINITION**

COMES NOW, by and through his undersigned counsel, Plaintiff submits this Motion to Amend the Rule 23 Class Definition. Plaintiff respectfully requests the Court enter an Order permitting Plaintiff to file a Second Amended Class Action Complaint to modify the Rule 23 Minnesota Class definition to include all Customer Service Agents regardless of the number of hours they worked in a week.

Currently, the Rule 23 Minnesota Class definition reads:

*All current and former Customer Service Agents, Telephone Sales Agents, or other job titles performing similar job duties employed by My Pillow, Inc., at any time during the last three years who worked forty (40) or more hours per week and were not paid for off-the-clock work.*

Plaintiff's seeks to amend the Rule 23 Minnesota Class definition to state:

*All current and former Customer Service Agents, Telephone Sales Agents, or other job titles performing similar job duties employed by My Pillow, Inc., at any time during the last three years who were not paid for all hours worked.*

Plaintiff's request to amend the class definition is timely and does not prejudice Defendant. Moreover, the Court has broad discretion to modify the class definition until a judgment on the merits. As currently alleged in Counts II-IV of the Amended Complaint, the Rule 23 Minnesota Class brings claims under Minnesota wage and hour laws for all hours worked. Those allegations remain unchanged by the amended class definition sought in this Motion. Plaintiff therefore respectfully requests that the Court grant this Motion and permit the filing of a Second Amended Class Action Complaint whereby the only modification is to the Rule 23 Minnesota Class definition.

This Motion is supported by the pleadings, the Memorandum of Law filed herein, and the argument of Plaintiff's Counsel at the hearing.

Date: June 30, 2022

Respectfully submitted,

s/ Jacob R. Rusch

Jacob R. Rusch (Bar No. 0391892)

Timothy J. Becker (Bar No. 0256663)

Zackary S. Kaylor (Bar No. 0400854)

**JOHNSON BECKER, PLLC**

444 Cedar Street, Suite 1800

Saint Paul, Minnesota 55101

Telephone: (612) 436-1800

Fax: (612) 436-1801

[jrusch@johnsonbecker.com](mailto:jrusch@johnsonbecker.com)

[tbecker@johnsonbecker.com](mailto:tbecker@johnsonbecker.com)

[zkaylor@johnsonbecker.com](mailto:zkaylor@johnsonbecker.com)

*Attorneys for Plaintiffs*